



INNER WEST LOCAL PLANNING PANEL  
MEETING

**11 DECEMBER 2020**

MINUTES

**MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING** held by Zoom  
Teleconference on 11 December 2020

Present: Adjunct Professor David Lloyd QC in the chair; Mr David Johnson; Ms Jan Murrell; Ms Kath Roach.

Staff Present: Development Assessment Manager and Administration Officer.

Meeting commenced: 2.09pm

**\*\* ACKNOWLEDGEMENT OF COUNTRY**

I acknowledge the Gadigal and Wangal people of the Eora nation on whose Country we are meeting today, and their elders past and present.

**\*\* DECLARATION OF PECUNIARY INTERESTS AND NON-PECUNIARY INTERESTS**

There were no declarations of interest.

<b>IWLPP939/20 Agenda Item 1</b>	DA/2020/0583
<b>Address:</b>	314 Liverpool Road, Ashfield
<b>Description:</b>	Demolition of existing structures and construction of a residential flat development with basement car parking.
<b>Applicant:</b>	Mr Tony Sukkar

The following people addressed the meeting in relation to this item:

- Margaret Latham
- Antonio Spataro
- Phillip North
- Tony Sukkar

## DECISION OF THE PANEL

- A. The applicant has made a written request pursuant to Clause 4.6 to contravene Clause 4.3 – Height of Buildings of the *Ashfield Local Environmental Plan 2013*. After considering the request, and assuming the concurrence of the Secretary, although the Panel is satisfied with the applicant’s submission that compliance with the standard is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation, it has not been adequately demonstrated that the proposed development will be in the public interest because the proposal is inconsistent with the objectives of the zone in which the development is to be carried out.
- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, refuse Development Application No. DA/2020/0583 for Residential flat development with basement car parking at 314 Liverpool Road ASHFIELD NSW 2131 for the following reasons.
1. A Clause 4.6 request is required to vary the development standard for Floor Space Ratio, but has not accompanied the application.
  2. The Clause 4.6 request to vary the development standard for Height of Buildings is not acceptable as, although the applicant has demonstrated sufficient environmental planning grounds to justify the variation, in this instance the overall development does not satisfy the objectives of the zone in which the development is to be carried out, in particular “to encourage the orderly and efficient development of land through the consolidation of lots”.
  3. The proposal has not satisfactorily demonstrated compliance with Schedule 1 – Design Quality Principles as required by clause 30 (2) (a) & (b) of SEPP 65 – Design Quality of Residential Flat Buildings.
  4. The proposal is inconsistent with the aims set out in clause 1.2(2) of the *Ashfield Local Environmental Plan 2013* as the proposal does not enhance the amenity and quality of life for local communities, nor does it achieve a high quality form by

ensuring that new development exhibits design excellence and reflects the existing or desired future character of the subject locality.

5. The proposal is contrary to Performance Criteria PC1 of Chapter A, Part 2 of the Comprehensive Inner West Development Control Plan 2016 the proposal does not respond and contribute to its context or the quality or identify of the area.
6. The proposal is contrary to Performance Criteria PC6 of Chapter A, Part 2 of the Comprehensive Inner West Development Control Plan 2016 the proposal does not provide high quality amenity through physical, spatial and environmental design.
7. The proposal is contrary to Control C5 of Chapter E1, Part 1.8 of the Comprehensive Inner West Development Control Plan 2016 the proposal does not use materials and finishes which avoid strong contrast to heritage items.
8. In accordance with Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development would have adverse environmental impacts on both the natural and built environments, and social and economic impacts in the locality.
9. Pursuant to the provisions of Section 4.15(1)(d)(e) of the Environmental Planning and Assessment Act 1979, it is considered that the proposal would not be in the public interest.

*Note: The Panel notes that the technical requirements of Table 2 'Notification requirements for development and related applications' in the Inner West Council Community Engagement Framework were met for this application. However, there were some parties who may have been affected by this application, but as they did not fall within the prescribed parameters of the Framework, they were not notified in writing by Council. Council should take measures to ensure all affected parties for development and related applications are duly notified.*

The decision of the panel was unanimous

<b>IWLPP940/20 Agenda Item 2</b>	MOD/2020/0314
<b>Address:</b>	354 Canterbury Road, Hurlstone Park
<b>Description:</b>	Modification of approved mixed use building including additional level, removal of ground floor business premises tenancy.
<b>Applicant:</b>	Technik Haus Pty Ltd

The following people addressed the meeting in relation to this item:

- Jim Morris
- Benjamin Black

## DECISION OF THE PANEL

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.55 of the *Environmental Planning and Assessment Act 1979*, refuse Development Application No. MOD/2020/0314 for modification of approved mixed use building including additional level, removal of ground floor commercial tenancy at 354 Canterbury Road Hurlstone Park for the following reasons:
1. Contrary to Clause 4.55(2)(a) of the Environmental Planning and Assessment Act 1979, the proposal is not substantially the same development as the development for which consent was originally granted.
  2. The proposal does not satisfy the 'Design Quality Principles' in Schedule 1 of the State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development.
  3. The proposal is contrary to the Objectives of Clause 4.3 Height of Buildings in the Ashfield Local Environmental Plan 2013.
  4. Contrary to Part 3D of the Apartment Design Guide, the proposal does not provide communal open space equal to at least 25% of the site area.
  5. Contrary to Part 3F of the Apartment Design Guide, the proposal fails to achieve the required setback to habitable windows and balconies.
  6. Contrary to DS7.1, Map 2 and Figure 3 in Part 7 Chapter D of the Inner West Comprehensive Development Control Plan (2016), the proposal exceeds the three-storey height control.
  7. Contrary to DS5.1 of Part 7 Chapter D of the Inner West Comprehensive Development Control Plan (2016), the deletion of the ground level 'business premises' tenancy removes the buildings active frontage.
  8. Contrary to Part 2 Chapter A of the Inner West Comprehensive Development Control Plan (2016), the proposal does not demonstrate 'good design'.
  9. Contrary to Part 7 Chapter A of the Inner West Comprehensive Development Control Plan (2016), the development fails to adequately resolve CPTED

requirements as it does not establish a clear delineation between public and private and results in poorer passive casual surveillance to Canterbury Road.

10. The proposal is not in the public interest.

The decision of the panel was unanimous

<b>IWLPP941/20 Agenda Item 3</b>	DA/2020/0671
<b>Address:</b>	Callan Park, Glover Street, Lilyfield
<b>Description:</b>	Demolition of building 508, tree removal, fence replacement and potential remediation of land.
<b>Applicant:</b>	Megan Parker

*The following people addressed the meeting in relation to this item:*

- *Megan Park*

## **DECISION OF THE PANEL**

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2020/0671 for Demolition of building 508, tree removal, fence replacement and potential remediation of land at Callan Park, Glover Street LILYFIELD NSW 2040 subject to the conditions listed in Attachment A to the officer's report.

The decision of the panel was unanimous

<b>IWLPP942/20 Agenda Item 4</b>	DA/2020/0647
<b>Address:</b>	6/4-26 Mansfield Street, Rozelle
<b>Description:</b>	Fitout of Unit 6 for the purpose of an artisan food and drink industry with an ancillary office premises.
<b>Applicant:</b>	White Bay Beer Company Pty Ltd

The following people addressed the meeting in relation to this item:

- Cr Darcy Byrne – Mayor
- Christopher Brown AM
- Adam Trippe-Smith
- David Rippingill
- Christopher Grinham

## DECISION OF THE PANEL

A. The Panel disagrees with the recommendation of the Assessment Report and resolves that the application be **Deferred Commencement Consent** for the following reasons:

- The panel is satisfied that the applicant satisfies the definition of *artisan food and drink industry*.
- Amended plans Revision 7 12 20 revision 12 and revision 18 11 12 revision 7 have been submitted. They will be the plans which are to be the subject of the approval.
- A BCA report has been submitted.
- A Social impact report has been submitted.
- The Plan of Management is now satisfactory, subject to trading until 10pm
- Complete absence of any objections from local community and the NSW Police.
- Positive adaptive reuse of an existing industrial building.
- The area of office space is ancillary is to the principal use.
- In terms of parking – the Panel notes a shortfall of 1.2 spaces, however a count conducted by the applicant has disclosed approximately 45 spaces available in the surrounding streets.

## PART A - DEFERRED COMMENCEMENT CONSENT

This Consent will not operate, and it may not be acted upon until the following is submitted for the approval of Council's Manager, Development Assessment:

- Plans Revision 7 12 20 revision 12 and revision 18 11 12 revision 7 being properly detailed and finalized.
- Updated Plan of Management.



## **PART B – OPERATIONAL CONDITIONS OF CONSENT**

Once operative the consent is subject to the draft “without prejudice” conditions in Appendix A to the Officer’s report, amended as follows:

- Plan table in draft condition 1 shall be amended with the appropriate plan numbers noted under the deferred commencement conditions.
- Omit condition 37 entirely

The decision of the panel was unanimous

<b>IWLPP943/20 Agenda Item 5</b>	DA/2020/0450
<b>Address:</b>	83 James Street, Leichhardt
<b>Description:</b>	Alterations and additions to first floor of each townhouse.
<b>Applicant:</b>	Christopher Jordan Architecture

*The following people addressed the meeting in relation to this item:*

- *Jilli Streit*
- *Chris Jordan*
- *Luc Streit*

## **DECISION OF THE PANEL**

- A. The applicant has made a written request pursuant to Clause 4.6 of the the *Leichhardt Local Environmental Plan 2013* to vary Clause 4.4 Floor Space Ratio of the *Leichhardt Local Environmental Plan*. After considering the request, and assuming the concurrence of the Secretary, the Panel is satisfied that compliance with the standard is unnecessary in the circumstance of the case and that there are sufficient environmental planning grounds to support the variation. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.
- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2020/0450 for Alterations and additions to first floor of each townhouse at 83 James Street LEICHHARDT NSW 2040 subject to the conditions listed in Attachment A to the officers report.

The decision of the panel was unanimous

<b>IWLPP944/20 Agenda Item 6</b>	MOD/2020/0395
<b>Address:</b>	78-80 Dalhousie Street, Haberfield
<b>Description:</b>	Modification of approved works to Haberfield Library.
<b>Applicant:</b>	Inner West Council

## **DECISION OF THE PANEL**

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.55 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. MOD/2020/0395 for Modification of approved works to Haberfield Library at 78-80 Dalhousie Street HABERFIELD NSW 2045 subject to the modified conditions listed in Attachment A to the officer's report.

The decision of the panel was unanimous

<b>IWLPP945/20 Agenda Item 7</b>	DA/2020/0498
<b>Address:</b>	209 Albany Road, Stanmore
<b>Description:</b>	Alterations and additions to existing dwelling including garage with studio above at the rear of the site.
<b>Applicant:</b>	Innovac Dyer Architects

*The following people addressed the meeting in relation to this item:*

- *Paul Giles*

## **DECISION OF THE PANEL**

The Panel disagrees with the findings contained in the Assessment Report and resolves that the application be granted Deferred Commencement Consent.

The same set of conditions as item 9 are to be applied, in addition to a Deferred Commencement condition, which requires modification of the roof form above the garage to be of similar design to Item 9, that is, to be a pitched gable roof in proportion to the width of the site and incorporating studio windows of design and materials sympathetic to the conservation area.

New plans are to be submitted to be and be assessed by Council.

The decision of the panel was unanimous.

<b>IWLPP946/20 Agenda Item 8</b>	DA/2020/0548
<b>Address:</b>	215 Albany Road, Stanmore
<b>Description:</b>	Alterations and additions to existing dwelling including garage with studio above at the rear of the site.
<b>Applicant:</b>	Innovac Dyer Architects

*The following people addressed the meeting in relation to this item:*

- *Milan Milosevic*

## **DECISION OF THE PANEL**

The Panel disagrees with the findings contained in the Assessment Report and resolves that the application be granted Deferred Commencement Consent.

The same set of conditions as item 9 are to be applied, in addition to a Deferred Commencement condition, which requires modification of the roof form above the garage to be of similar design to Item 9, that is, to be a pitched gable roof in proportion to the width of the site and incorporating studio windows of design and materials sympathetic to the conservation area.

New plans are to be submitted to be and be assessed by Council.

The decision of the panel was unanimous.

<b>IWLPP947/20 Agenda Item 9</b>	DA/2020/0510
<b>Address:</b>	217 Albany Road, Stanmore
<b>Description:</b>	Alterations and additions to existing dwelling including a garage with studio above at the rear of the site.
<b>Applicant:</b>	Innovac Dyer Architects

The following people addressed the meeting in relation to this item:

- Channelle Jacob

## DECISION OF THE PANEL

- A. The applicant has made a written request pursuant to Clause 4.6 to vary Clause 4.4 – Floor Space Ratio of the *Marrickville Local Environmental Plan 2011*. After considering the request, and assuming the concurrence of the Secretary, the Panel is satisfied that compliance with the standard is unnecessary in the circumstance of the case and that there are sufficient environmental planning grounds to support the variation. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.
- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2020/0510 for alterations and additions to existing dwelling including a garage with studio above at the rear of the site at 217 Albany Road, Stanmore subject to the conditions listed in Attachment A to the officer's report.

The decision of the panel was unanimous

<b>IWLPP948/20 Agenda Item 10</b>	DA/2020/0635
<b>Address:</b>	28 Merton Street, Rozelle
<b>Description:</b>	Demolition of the existing dwelling house and construction of a new dwelling house, new double garage with studio above and terrace area under at rear, and associated works, including swimming pool and tree removal.
<b>Applicant:</b>	Dalgliesh Ward & Associates Pty Ltd

The following people addressed the meeting in relation to this item:

- Anthony Betros

## DECISION OF THE PANEL

- A. The applicant has made a written request pursuant to Clause 4.6 to vary Clause 4.3A(3)(b) and 4.4 of the *Leichhardt Local Environmental Plan 2013*. After considering the requests, and assuming the concurrence of the Secretary, the Panel is satisfied that compliance with the standards is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variations. The proposed development will be in the public interest because the exceedance is consistent with the objectives of the standards and of the zone in which the development is to be carried out.
- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2020/0635 for Demolition of the existing dwelling-house and construction of a new dwelling-house, new double garage with studio above and terrace area under at rear, and associated works, including swimming pool and tree removal. at 28 Merton Street ROZELLE NSW 2039 subject to the conditions listed in Attachment A to the officer's report.

The decision of the panel was unanimous

**The Inner West Planning Panel Meeting finished at 4.01pm.**

**Closed Panel Meeting started at 4.02pm**

**Closed Panel Meeting finished at 4.55pm**

**CONFIRMED:**

A handwritten signature in blue ink, appearing to read 'D. A. Lloyd', is positioned below the 'CONFIRMED:' heading.

**Adjunct Professor David Lloyd QC,  
Chairperson  
11 December 2020**